**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.10420 OF 2006**

**DATED: 22nd December, 2006.**

Between :

B. Deenadayal Reddy ... Petitioner

And

1. The Collector and District Magistrate, Kurnool, and 2 others. .. Respondents

**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION NO.10420 OF 2006**

**ORDER :**

Heard the learned Counsel for both the parties and perused the material on record.

By order dated 24-4-2006 the Collector & District Magistrate, Kurnool in exercise of powers under Section 5 (1) of the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 cancelled the Kondakapu caste certificate of the petitioner on the ground that the said certificate was fraudulently obtained. Questioning the same, the petitioner preferred an appeal before the 3rd respondent – Government of A.P. along with an application for stay. Alleging that the 3rd respondent failed to consider his application for stay and in the meanwhile the order of cancellation dated 24-4-2006 is sought to be implemented, the petitioner filed this writ petition.

This Court by order dated 25-5-2006, while directing notice before admission, directed the 3rd respondent to pass appropriate orders on the application for stay filed by the petitioner and granted interim stay of operation of the order dated 24-4-2006 till such orders are passed by the 3rd respondent. Pursuant thereto, the 3rd respondent by order dated 21-8-2006 rejected the application for stay.

The learned Counsel for the petitioner while placing before this Court a copy of the said order dated 21-8-2006 contended that the action of the third respondent in refusing to grant stay while

entertaining the Appeal, particularly without assigning any reasons is arbitrary and illegal.

A bare perusal of the order dated 21-8-2006 shows that the said order was passed mechanically without application of mind to the relevant factors. Having regard to the nature of the order dated 24-4-2006 passed by the Collector and District Magistrate, unless the operation of the same is stayed pending the Statutory Appeal, the Appeal itself would be rendered infructuous. Hence it would be appropriate to stay the said order till the appeal is decided by the 3rd respondent.

Accordingly, the order dated 21-8-2006 is set aside and the Writ Petition is disposed of with a direction to the 3rd respondent to dispose of the appeal pending on its file as expeditiously as possible preferably within a period of six weeks from the date of receipt of this order. Till such time, the order of the Collector & District Magistrate, dated 24-4-2006 shall not be given effect to. No costs.

G. ROHINI, J.

Dt. 22-12-2006
gbs

BIRTHDAY FUNCTION

DATE : 10-12-2006

TIME : 6.30 pm

DINNER : 7.30 pm onwards

VENUE : L.I.C. COMMUNITY HALL,
MEHDIPATNAM.